



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: November 15, 2007
Comment Deadline: December 17, 2007
Corps Action ID #: SAW-2001-20061

The Wilmington District, Corps of Engineers (Corps) has received information from the North Carolina Department of Transportation (NCDOT), regarding a potential future requirement for Department of the Army authorization to impact streams and wetlands in the Little Buffalo Creek and Naked Creek basins, associated with the proposed improvements to NC 88 between NC 194 and US 221 Business near Jefferson, Ashe County, North Carolina.

Specific alternative alignments and location information are described below and shown on the attached plans and charts. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: North Carolina Department of Transportation
Attn: Gregory J. Thorpe, Ph.D.
Environmental Management Director, PDEA
1548 Mail Service Center
Raleigh, NC 27699-1548

Authority

The Corps will evaluate this application to compare alternatives that have been carried forward for study, pursuant to applicable procedures of Section 404(b) of the Clean Water Act (33U.S.C. 1344).

Background

A NCDOT/Federal Highway Administration (FHWA) Environmental Assessment and Draft Section 4(f) Evaluation was completed for the NC 88 project in early August, 2007. The social, economic, and environmental impacts associated with the reasonable and feasible build alternatives for this project have been evaluated and are described within the Environmental Assessment.

NCDOT/FHWA has identified four (4) widening and improvement alternatives for NC 88 between NC 194 and US 221. The Corps of Engineers is reviewing all four alternatives as described below and shown on the attached maps and charts.

Location

Between NC 194 and US 221 Business near Jefferson, Ashe County, North Carolina (center of study at ~ 36.4114° N and 81.4797° W)

Existing Site Conditions

The general area that would likely be impacted varies from commercial/developed areas to residential area, agricultural land and undeveloped wooded land. The study area is primarily in the Little Buffalo Creek and Naked Creek, New River basin.

The wetland habitats that would be impacted by the proposed project are typical emergent and riverine wetlands consisting of emergent marsh and/or forested wetland vegetation. The wetlands are jurisdictional features draining to tributaries of the streams stated above. One pond is proposed for minor impact. A description of the streams and wetlands proposed for impact under each alternative is provided within the attached documents.

Applicant's Stated Purpose

The project purpose is to improve the safety on NC 88 and improve a link between NC 194 and the existing multilane section in the Town of Jefferson.

Project Description

Maps showing the location of the project study area and the four alternatives are included with this public notice.

The proposed improvement would take place to approximately 1.6 miles of NC 88. Improvements could include the widening of this roadway to a 3-lane facility which would increase the impacts to jurisdictional aquatic features. Portions proposed for widening vary depending on the alternative.

The impacts of the alternatives that are being reviewed are described in the attached tables. Wetland and streams have been delineated in the field.

In order to more fully integrate Section 404 permit requirements with the National Environmental Policy Act of 1969, and to give careful consideration to our required public interest review and 404(b)(1) compliance determination, the Corps of Engineers is soliciting public comment on the merits of the proposal, and on the four improvement alternatives discussed above. At the close of this comment period, the District Commander will evaluate and consider the comments received as well as the expected adverse and beneficial impacts of the proposed roadway improvements to select the least environmentally damaging, practicable alternative (LEDPA). The District Commander is not authorizing construction of the NC 88 improvements at this time. A final Department of the Army permit could be issued, if at all, only after our review process is complete.

impacts to the aquatic environment have been minimized to the maximum extent practicable, and a compensatory mitigation plan has been approved.

Please note that NC DOT will hold a Public Hearing on November 29, 2007, at the Ashe County High School Cafeteria, located at 184 Campus Drive, West Jefferson, North Carolina 28694. The meeting is scheduled from 4:00 - 7:00 pm. Representatives of NCDOT and Corps personnel will be in attendance to answer questions and hear comments/concerns.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Mr. John Hennessy by December 7, 2007.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is aware that one property, the Joseph Benjamin Neal House, is listed as being eligible for inclusion therein and is located near the proposed project. The Corps will consult with the State Historic Preservation Office regarding potential adverse affects, if any, to this property prior to permit issuance. Presently, other unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 within the project area. A final determination on the effects of the proposed project will be made upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

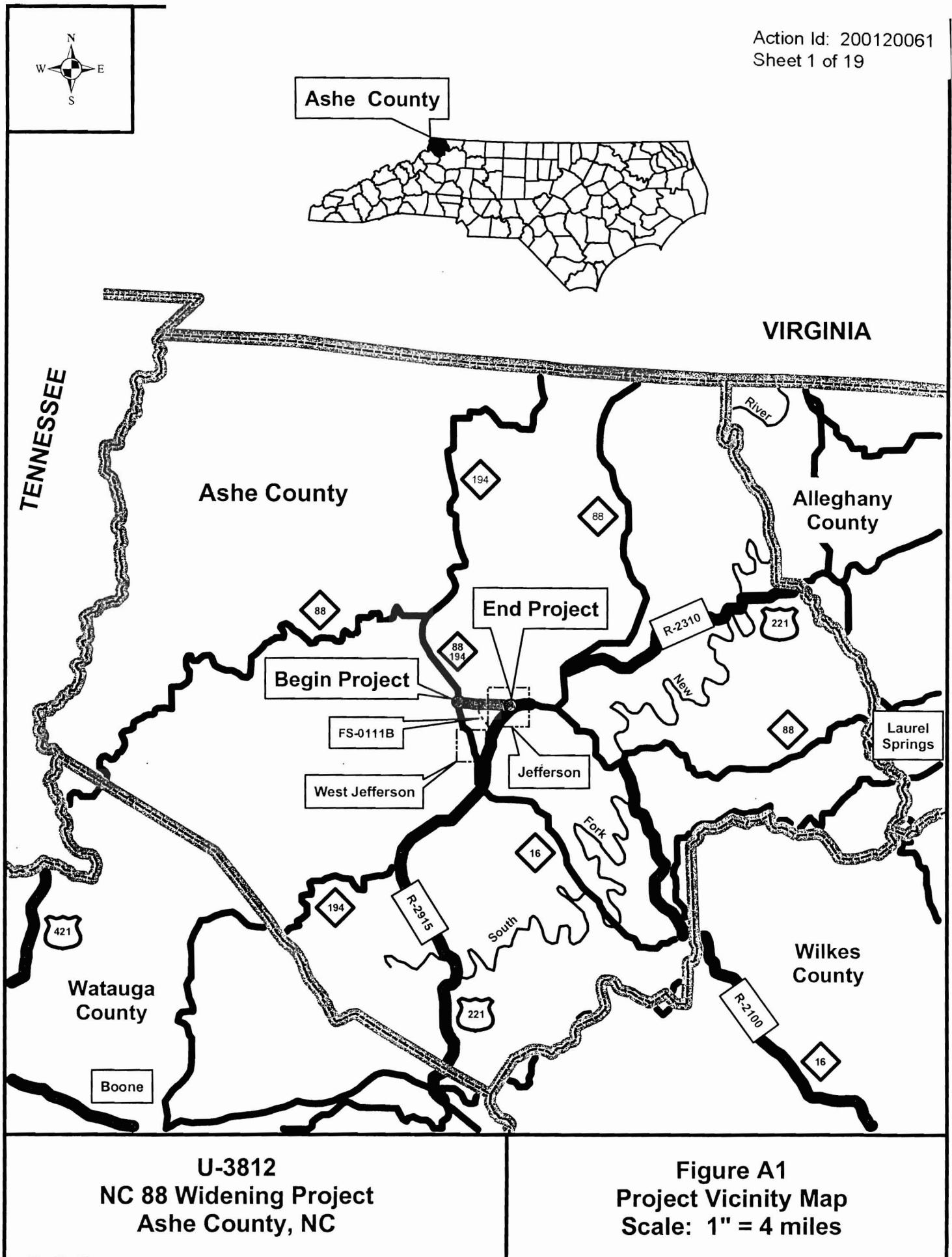
Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

As stated above, a NC DOT Public Hearing has been scheduled for November 29, 2007, at the Ashe County High School Cafeteria, located at 184 Campus Drive, West Jefferson, North Carolina 28694. The meeting is scheduled from 4:00 - 7:00 pm. Representatives of NCDOT and Corps personnel will be in attendance to answer questions and hear comments/concerns.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, December 17, 2007. Comments should be submitted to Monte Matthews, Raleigh Regulatory Field Office, 6508 Falls of Neuse Road, Suite 120, Raleigh, North Carolina 27615.



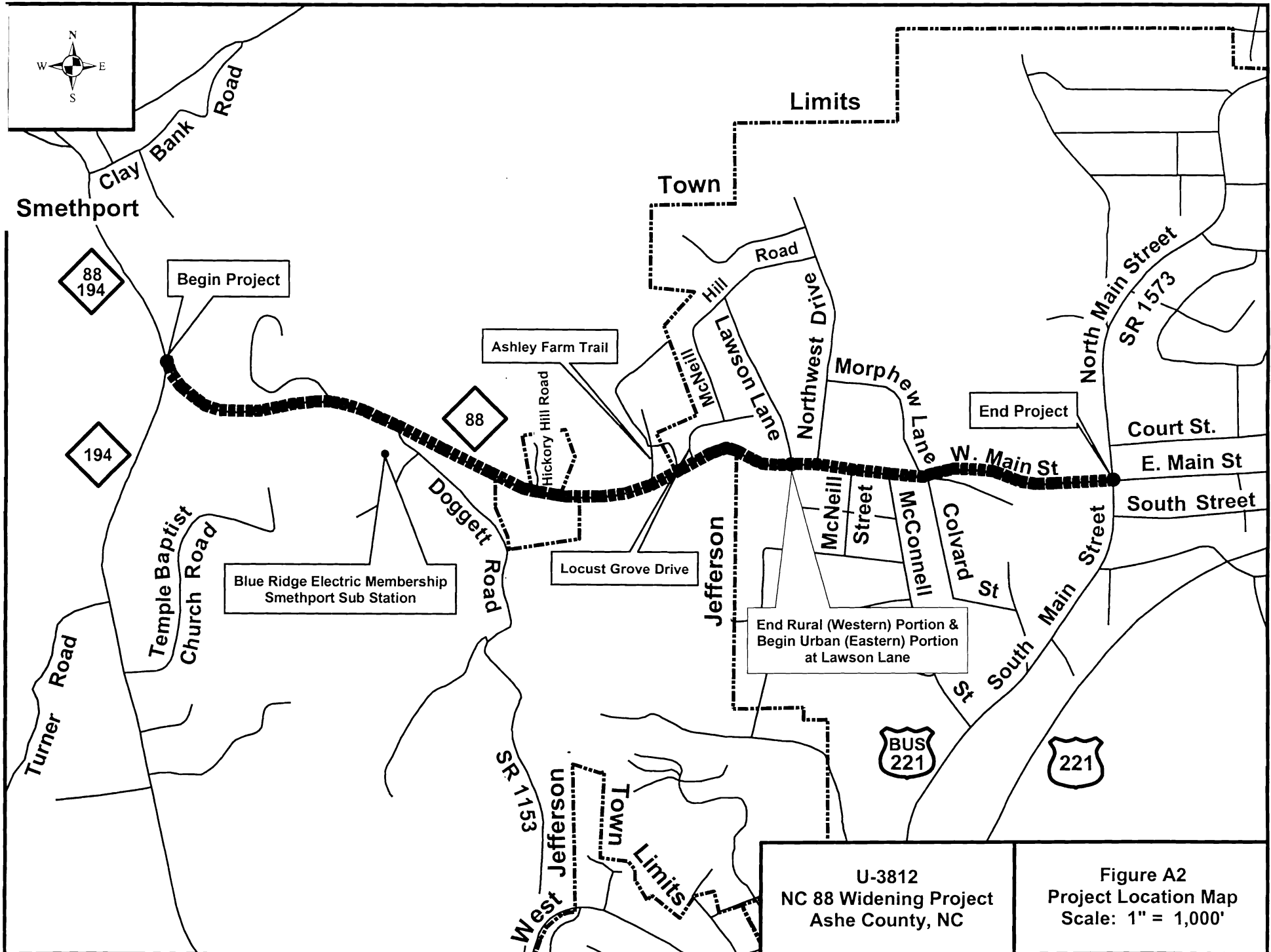


Table 2: Summary of Impacts

Category	Units	Alt. 1	Alt. 2	Alt. 3	Alt. 4
Project Length	Miles	1.6	1.6	1.6	1.6
Residential Relocations	Total	14	24	29	1
Business Relocations	Total	4	4	6	1
Farm Relocations	Total	0	0	0	0
Non-Profit Relocations	Total	1	1	1	0
Minority Relocations	Total	2	2	4	0
Total Relocations	Total	19	29	36	2
Hazardous Material (UST) Sites	Each	4	4	4	2
Wetlands	Acres	0.2	0.2	0.2	0.1
Streams	Linear Feet	2035	2070	2115	920
Ponds	Acres	0.02	0.02	0.02	< 0.01
Federally - Protected Species	Species	0	0	0	0
Terrestrial Communities	Maintained / Disturbed	25.0	24.4	25.6	10.1
	Montane Oak / Hickory Forest	8.0	8.1	8.4	1.9
	Christmas Tree Plantation	2.6	2.6	2.6	0
Prime Farmlands	Each	0	0	0	0
23CFR772 Noise Category B ⁽¹⁾	Impacted Receptors	18	18	21	18
Substantial Noise Level Increase \geq 10 dB	Impacted Receptors	0	0	0	0
Air Quality Carbon Monoxide Concentration	NAAQS Standard ⁽²⁾	7.1	7.1	7.1	7.1
Architectural Resources	Eligible Properties	1	1	1	1
Section 4(f) Resources	Acres	1.0	0.8	1.1	0.4
Archaeological Resources	Eligible Properties	0	0	0	0
Construction Cost	Million Dollars	\$ 9.1	\$ 9.1	\$ 10.0	\$ 3.9
Right of Way Cost	Million Dollars	\$ 10.0	\$ 10.9	\$ 11.8	\$ 4.6
Total Project Cost	Million Dollars	\$ 19.1	\$ 20.0	\$ 21.8	\$ 8.5

NOTES:

1. Noise Activity Category B: exterior, equivalent sound level of approximately 67 dBA.
2. National Ambient Air Quality Standards maximum CO permitted for 1-hr Ave. = 35 ppm

Table 14: Stream Characteristics

Stream	Flow Width (feet)	Average Water Depth (inches)	Substrate	Flow	Benthos Found	Classification	DWQ Rating
Little Buffalo Creek	12-15	12	Gravel/Sand/Silt	Moderate	Yes	Perennial	40.5
Little Buffalo UT-A	1.5	2	Cobble/Sand	Slow	Yes	Intermittent	19.75
Little Buffalo UT-A1	1.5	4 – 12	Cobble/Rock/Sand	Moderate	Yes	Perennial	31
Little Buffalo UT-B	3	6	Cobble/Gravel	Moderate	Yes	Perennial	27.5
Little Buffalo UT-C	1	1-2	Cobble/Gravel	Slow	No	Intermittent	18.0
Little Buffalo UT-D	2	1-2	Large Cobble/Silt	Moderate	Yes	Perennial	27.25
Naked UT-A	4	2-3	Cobble/Sand	Slow	Yes	Perennial	26.25
Naked UT-B	5-6	2-3	Cobble/Sand	Moderate	Yes	Perennial	31.5

Table 16: Impacts to Jurisdictional Areas

Jurisdictional Areas	Build Alternates			
	1	2	3	4
Streams	Linear Feet			
Little Buffalo Creek	526	526	526	113
Little Buffalo UT-A	80	80	80	30
Little Buffalo UT-A1	70	70	70	70
Little Buffalo UT-B	163	163	163	140
Little Buffalo UT-C	197	197	197	0
Little Buffalo UT-D	290	290	290	0
Naked UT-A	582	604	630	477
Naked UT-B	125	136	154	88
Stream Totals	2035	2070	2115	920
Wetlands	Acres			
Wetland 100	0.05	0.05	0.05	0
Wetland 200	0.05	0.05	0.05	0.05
Wetland 300	0.10	0.10	0.12	0.06
Wetland Totals	0.2	0.2	0.2	0.1
Ponds	Acres			
Ponds	0.02	0.02	0.02	< 0.01
Pond Totals	0.02	0.02	0.02	< 0.01

Build Alternate 1: 3-lane shoulder section for entire project length
 Build Alternate 2: 3-lane shoulder section in rural portion & 3-lane curb and gutter section in urban portion
 Build Alternate 3: 3-lane shoulder section in rural portion & 5-lane curb and gutter section in urban portion
 Build Alternate 4: Safety Improvements

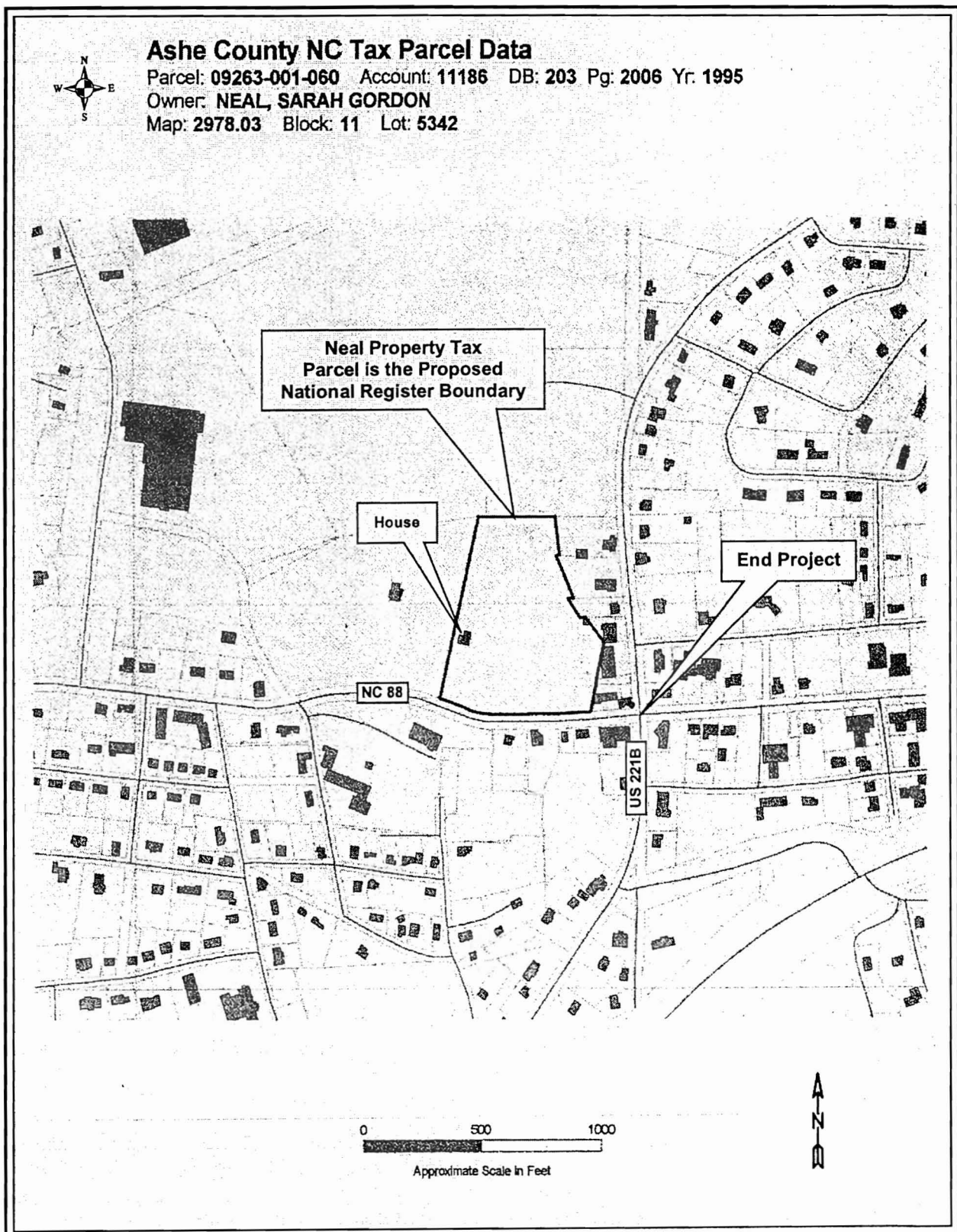


Figure 2: Neal Property Tax Parcel Map, Section 4(f) Resource

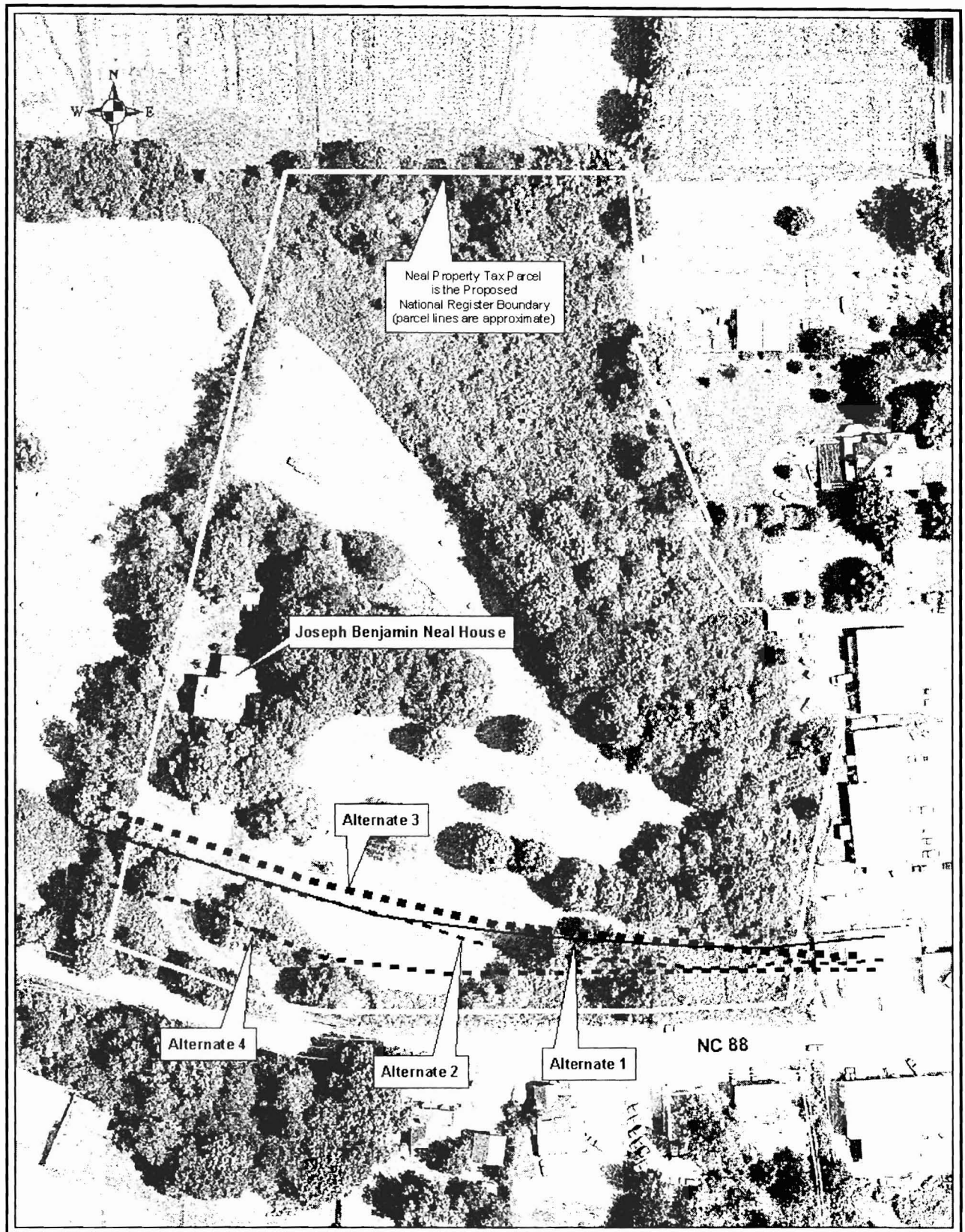
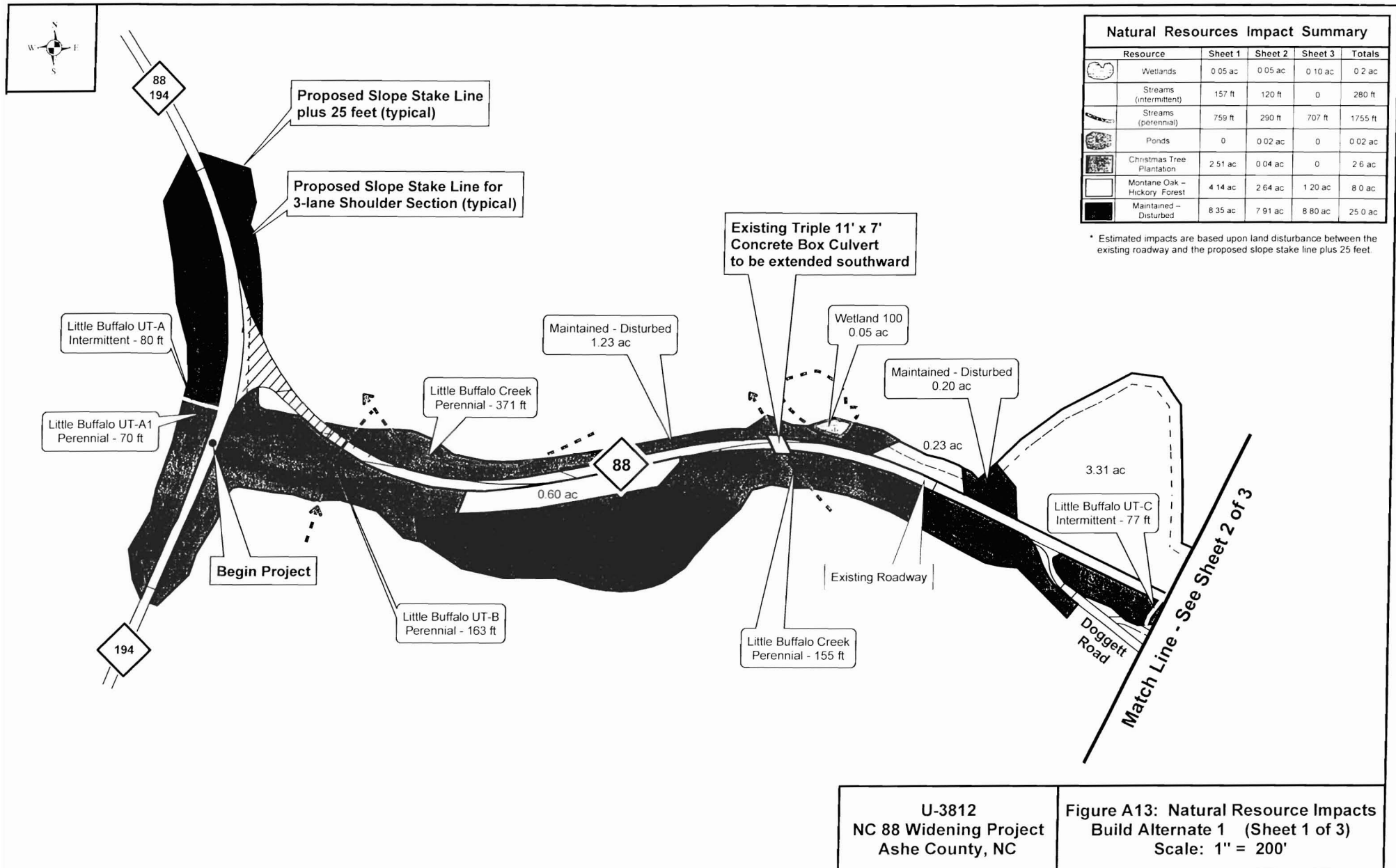
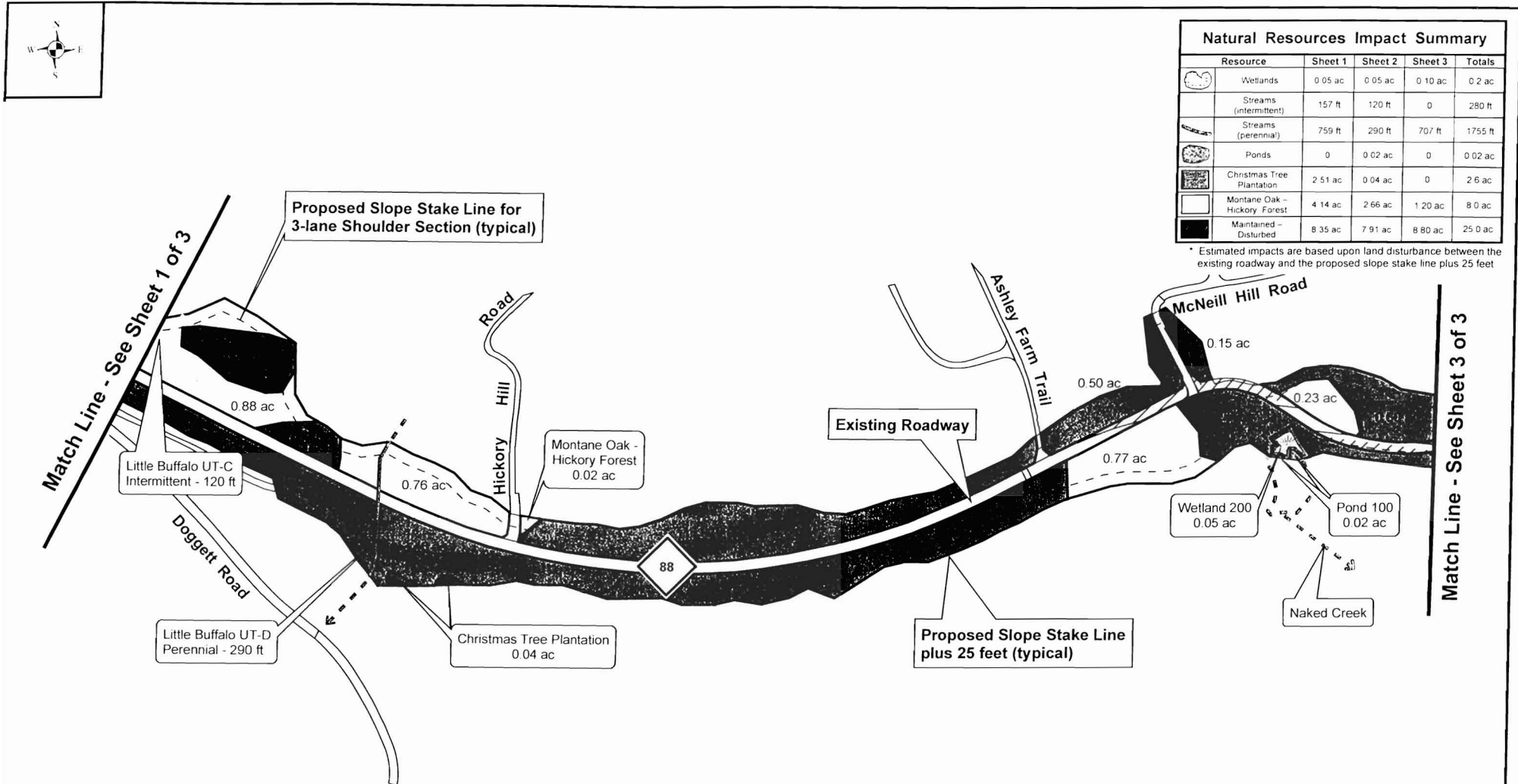


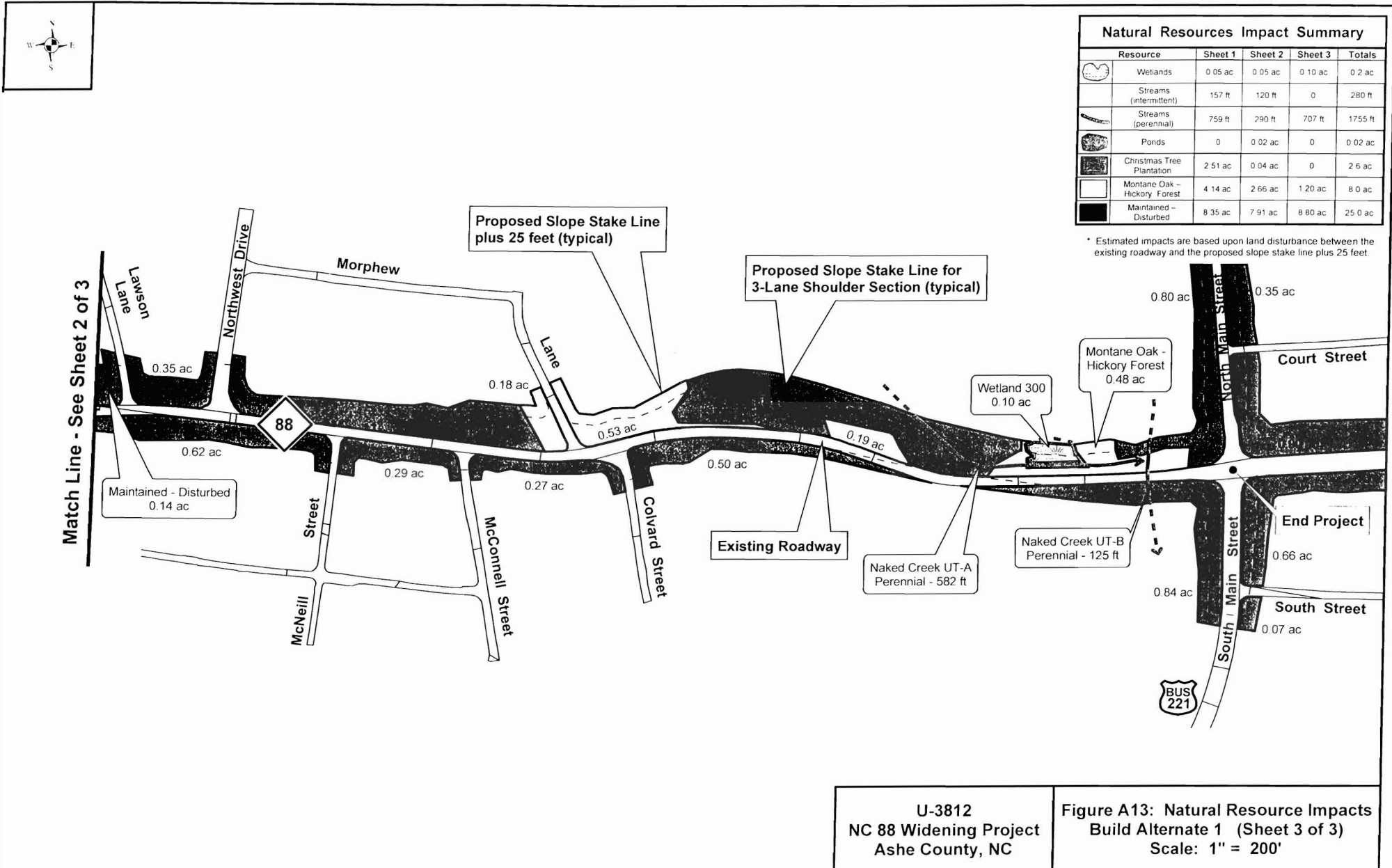
Figure 3: Relative Impacts to Section 4(f) Resource from Build Alternates

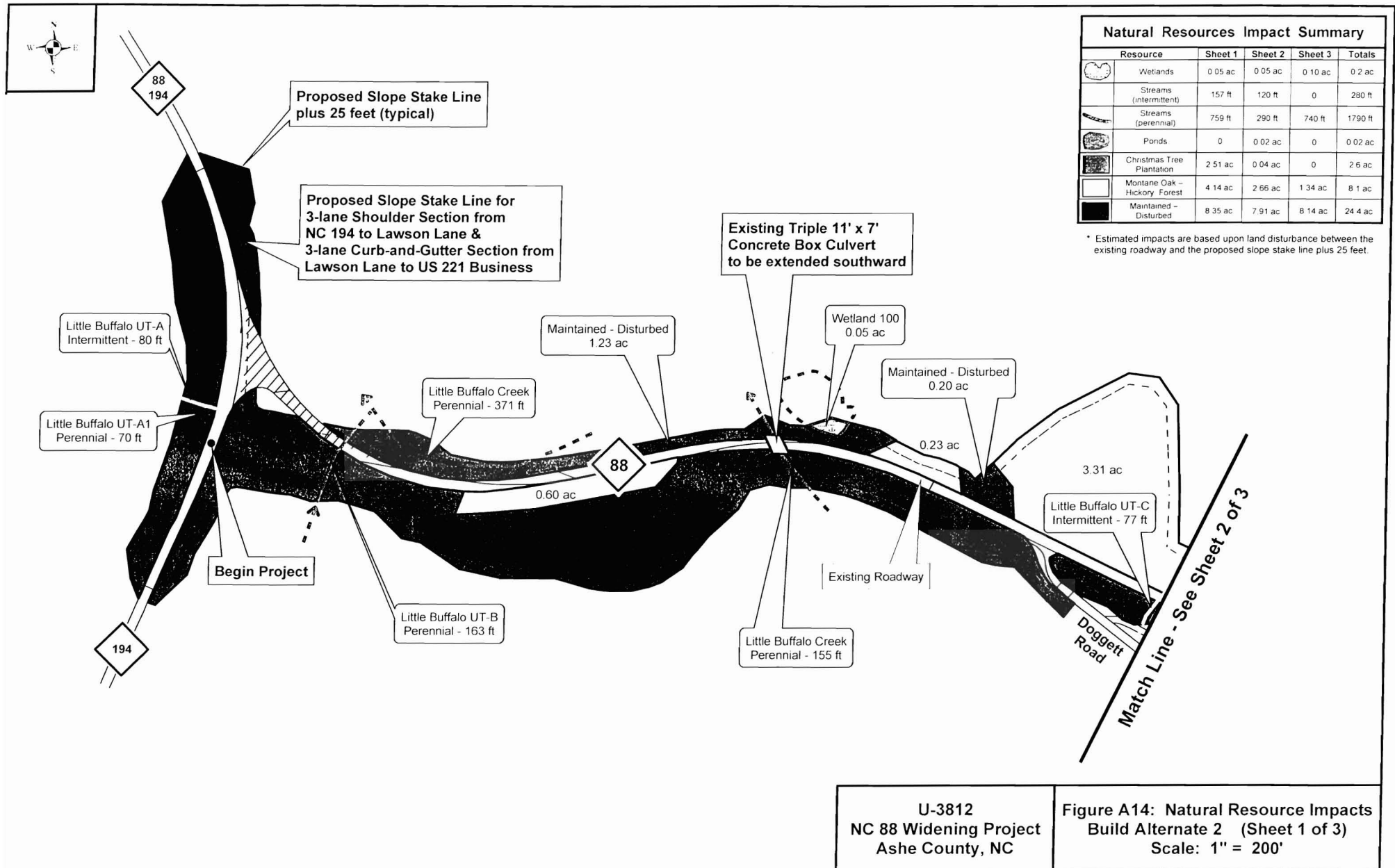




U-3812
NC 88 Widening Project
Ashe County, NC

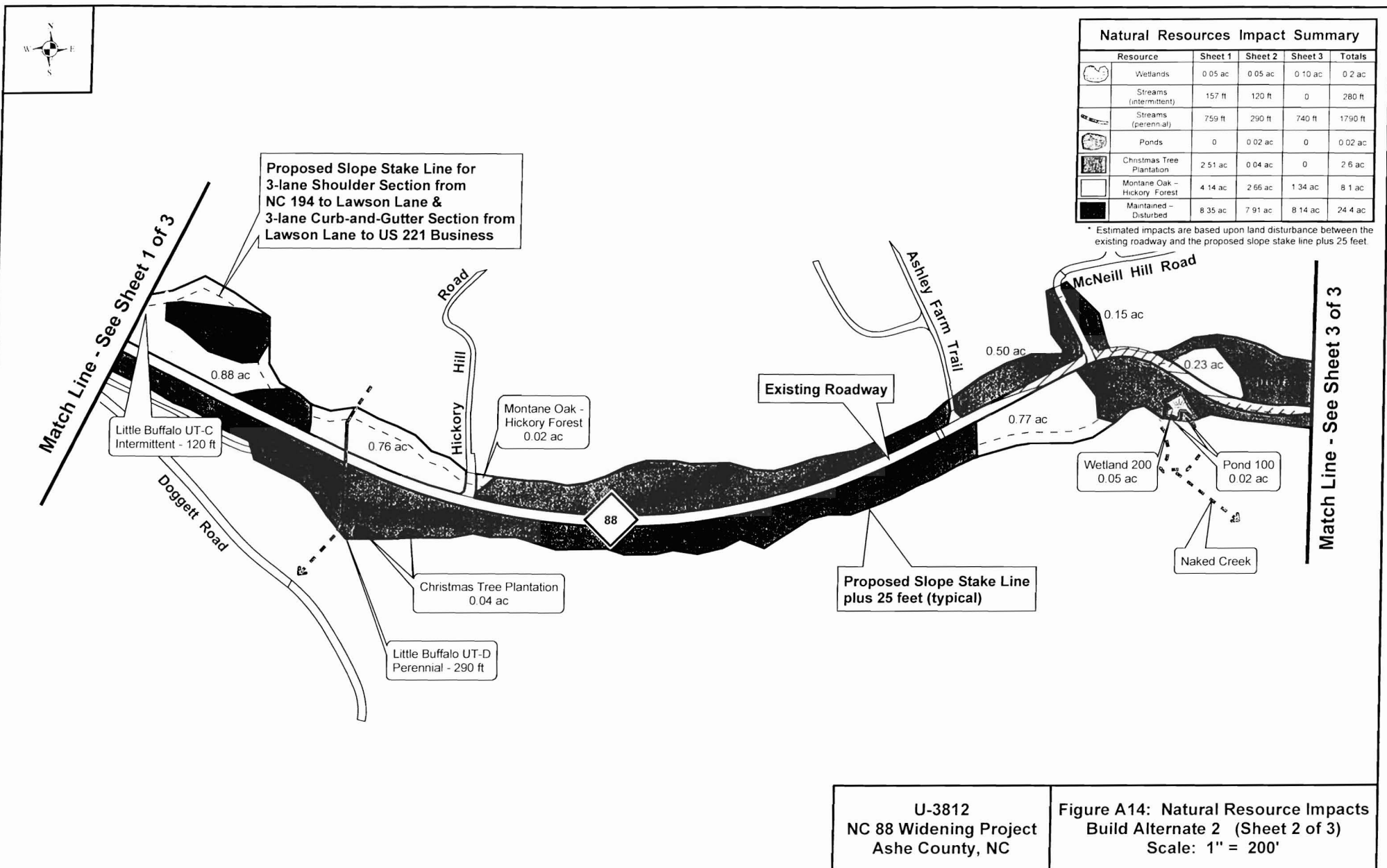
Figure A13: Natural Resource Impacts
Build Alternate 1 (Sheet 2 of 3)
Scale: 1" = 200'

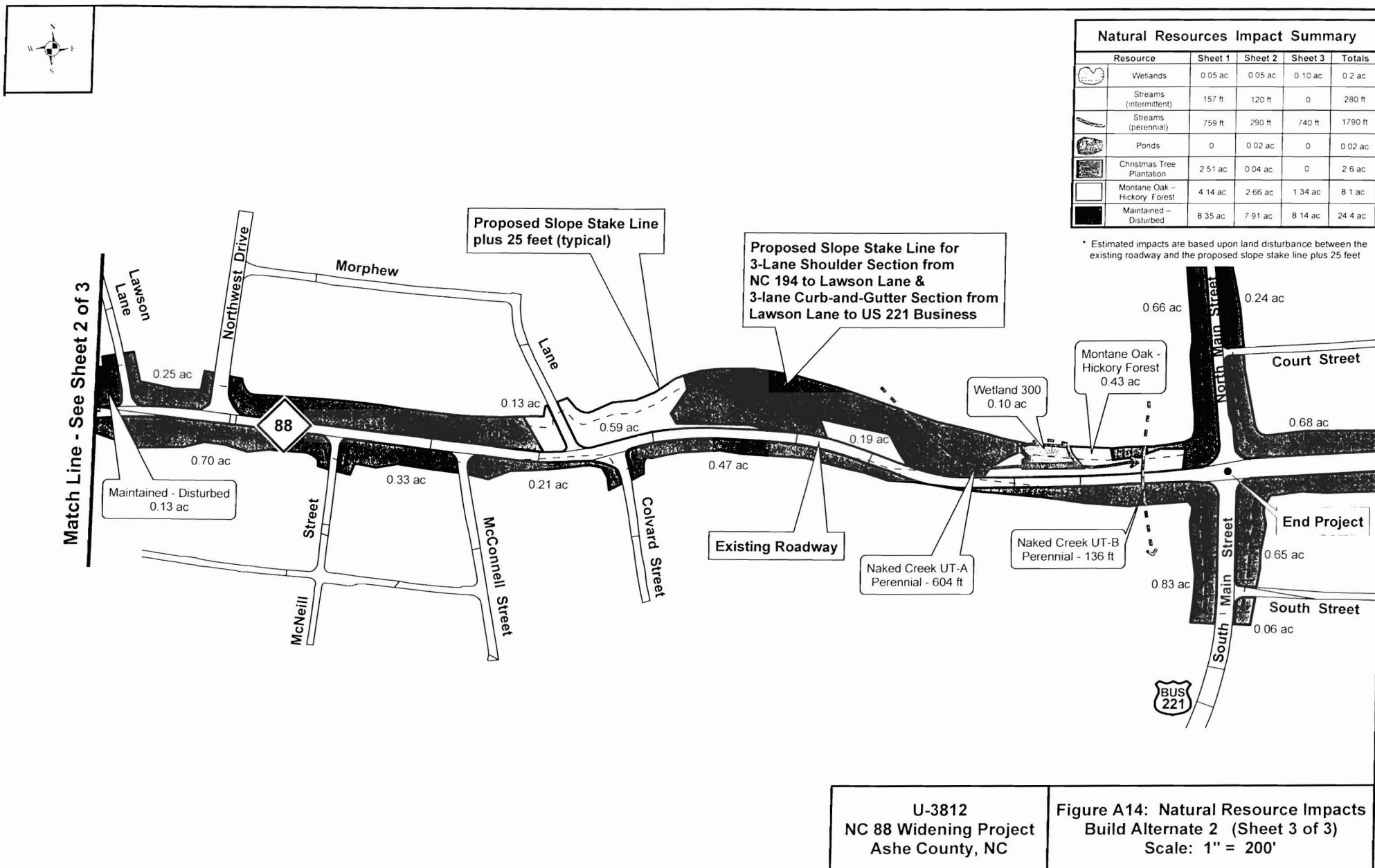




U-3812
NC 88 Widening Project
Ashe County, NC

Figure A14: Natural Resource Impacts
Build Alternate 2 (Sheet 1 of 3)
Scale: 1" = 200'





U-3812
NC 88 Widening Project
Ashe County, NC

Figure A14: Natural Resource Impacts
Build Alternate 2 (Sheet 3 of 3)
Scale: 1" = 200'

